

**Opening Statement  
Chairman Mark Souder**

**“Office of National Drug Control Policy Reauthorization Act  
of 2005”**

**Subcommittee on Criminal Justice, Drug Policy,  
and Human Resources  
Committee on Government Reform**

**June 15, 2005**

Good afternoon, and thank you all for coming. Today’s hearing addresses H.R. 2829, the Office of National Drug Control Policy Reauthorization Act of 2005, which I introduced along with Chairman Davis of the Full Committee. Two years ago, Chairman Davis and I introduced the Office of National Drug Control Policy Reauthorization Act of 2003, which the Committee adopted and the House passed. Regrettably, the Senate did not act on its version of the bill, meaning that reauthorization had to await the 109<sup>th</sup> Congress.

This time around, we have kept many of the reforms first introduced in the 2003 bill. However, we have made some significant changes to the earlier Act, as a result of two main considerations.

First, we have attempted, to the greatest extent possible consistent with our Subcommittee’s basic policies, to harmonize the House and Senate bills from the last Congress. While I do not expect that the two chambers will pass identical bills, I do hope that we can pave the way for initial passage and a successful conference by reaching at least the broad outlines of a compromise. I look forward to working with our Senate colleagues in that endeavor.

Second, our Subcommittee’s hearings and other oversight activities since 2003 indicate that further reforms are necessary for ONDCP to fully achieve the goals that Congress intended for it in 1988. ONDCP’s reports to Congress on the progress of drug control policies, its interactions with other agencies, and its management of its own programs all need to be improved. This bill attempts to strengthen, not weaken, the Office and its programs.

At the outset, it is important to understand that ONDCP is a very unique institution within the federal government. Although it is situated within the Executive Office of the President, it is not simply a political arm of the White House. If that were all that Congress wanted from ONDCP, there would have been no reason to establish the Office by statute. What Congress wanted instead was an Office that would not only assist the President, but would also be responsible *to Congress* to account for the federal government’s progress in drug policy. That is why Congress created the drug budget certification process, for example, as well as other oversight tools.

From the beginning, then, the Director has had to serve two masters – the President and the Congress. That is not an easy task, and that dual responsibility must be kept in mind when reviewing

our bill and the Administration's response to it. Neither this nor any Administration is ever going to be entirely happy with how Congress shapes the Office, since what Members think of as "oversight" is typically seen as "interference" by an Administration. That is normal in a government with checks and balances.

Having said that, I would like to address several key sections of the bill that have been singled out for criticism by the Administration. First, the Administration opposes the bill's mandate that the annual drug budget report, prepared by ONDCP for the Congress, include all federal drug control activities proposed by the President. Since 2002, the Administration has tried (to the greatest extent possible) to limit the activities included in that budget to those that have a separate "line item" account and are exclusively dedicated to drug control.

I understood the motivation behind the Administration's shift, and I know that the Office was trying to make the budget easier to read and simpler to manage. However, in practice this policy was never consistently implemented. Many activities were included – such as interdiction by the Coast Guard and the legacy Customs Service – that were not exclusively dedicated to drug control.

Moreover, the new budget guidelines left out many activities that the average citizen would think of as "drug control" – such as the cost of prosecuting and incarcerating drug traffickers in federal prisons. This led many critics, including our full Committee Ranking Member Henry Waxman, to charge that by excluding these items, the new budget artificially inflated the proportion of the "drug control budget" going to treatment and prevention, as opposed to enforcement.

I believe that, if we are going to err on one side or the other, we should err on the side of inclusiveness. The primary purpose of the drug budget required by Congress is to inform Congress and the public about how much the Administration is proposing to spend on drug control. The bill does not call on the Office to include activities with only a tangential connection to drug policy, but it does require that all "drug control" activities defined in the Act be included. We need a drug budget that attempts to be complete, rather than a budget that is open to the charge – however unfair it may be – of political manipulation.

Second, ONDCP apparently is not going to fight too hard for its earlier proposal to move the High Intensity Drug Trafficking Areas (HIDTA) program to the Department of Justice. However, it is criticizing the provision in the bill that would require the Administration to submit a separate budget request for each individual HIDTA. If ONDCP actually had the discretion to shift resources among the HDTAs, this criticism would have greater force. As it is, however, every appropriations bill since the late 1990's has required "level funding" for each individual HIDTA, meaning that ONDCP has no real discretion over 90% of the program budget.

The 2003 House bill tried to remedy this problem by requiring ONDCP to allocate resources through a ranking system, based on relative importance to the national drug threat. It quickly became clear, however, that the Senate would not agree to that system, and it was opposed by many of the HDTAs and their supporters in Congress. This time around, we have adopted the Senate proposal to require individual HIDTA budget requests. Is it the best possible solution? No. But I believe that it is the only *politically* possible way to break this appropriations logjam.

Finally, I'd like to address a concern raised by both ONDCP and the Partnership for a Drug Free America (PDFA) about the Media Campaign. Specifically, the Administration and PDFA have opposed a provision in the bill that would require at least 82% of the Campaign's federal dollars to be spent on purchases of time and space for anti-drug advertising, if the Campaign's budget falls below \$125 million. (If the budget is above \$125 million, this "floor" would only be 77%.)

Last time around, ONDCP did not have much of a problem with this provision, because the Campaign's budget was \$145 million and the Senate was proposing an 80% minimum floor, regardless of budget size. Now, however, the program's budget has fallen to \$120 million, meaning that the 82% floor would apply. ONDCP argues that this would force the Campaign to abandon its efforts to do Internet advertising and other, less traditional media activities.

Anyone who has followed my career knows that I have fought to strengthen the Campaign and get it sufficient funding. If the dollars were there, I would have no problem seeing some of them spent on "new media". But we included that 82% minimum for a reason. The original intent, and primary purpose, of the Campaign is to get anti-drug ads on the air. When the budget is shrinking, and advertising costs are going up, "diversifying" into other areas – however great their future potential – just isn't feasible.

Furthermore, I would have more sympathy if the Administration had actually requested more than \$120 million for the Campaign this year. If ONDCP wants the Campaign to do more, it should start by fighting for more dollars. At some point, shrinking budgets are going to make this Campaign totally ineffective. That day will only be hastened if the Campaign tries to take on more responsibilities than its budget will allow.

Although the bill we are considering today was technically sponsored by me and Chairman Davis, it is also the product of the work of many interested parties who we consulted in drafting the legislation. It includes the Dawson Family Community Protection Act proposed by the distinguished Ranking Member of the Subcommittee, Mr. Cummings. It includes a number of changes to current law requested by Director Walters and the Administration. And it incorporates suggestions and ideas from other committees and members of Congress and key outside groups including the Community Anti-Drug Coalitions of America, drug treatment providers, PDFA, the Ad Council, and members of federal, state, local and tribal law enforcement participating in the HIDTA and CTAC programs, including the DEA.

I thought it was important, however, for the Subcommittee to hear from the primary organizations that would be affected by the bill, and for that reason I asked Chairman Davis for the opportunity to hold this hearing before tomorrow's markup. I very much appreciate the willingness of our three witnesses to join us today to discuss the bill. We welcome Director John Walters of ONDCP; Director Tom Carr of the Washington-Baltimore HIDTA, testifying on behalf of the National HIDTA Directors Association; and Steve Pasierb of the Partnership for a Drug Free America. We thank everyone for joining us, and look forward to your testimony.